

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patents

In re Application of: )  
Varsha K. Shah, et al. )  
Serial No.: 09/564,939 )  
Filed: May 4, 2000 )  
For: ION-SENSITIVE, WATER-DISPERSIBLE )  
POLYMERS, A METHOD OF MAKING )  
SAME AND ITEMS USING SAME )  
Art Unit: 1616  
Examiner: K.M. George

COPY OF PAPERS  
ORIGINALLY FILED

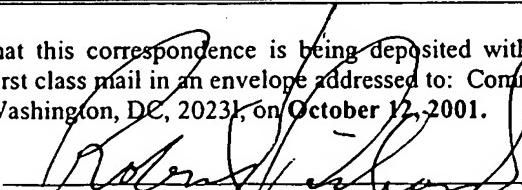
**PETITION FOR CORRECTION OF INVENTORSHIP UNDER 37 C.F.R. §1.48(a)**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
Sir:

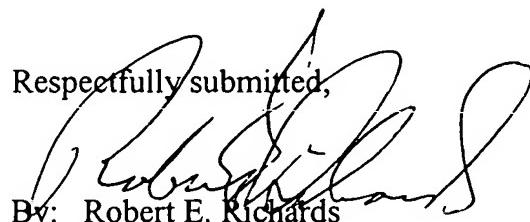
The undersigned attorney of record in the patent application identified above hereby petitions to correct an error of inventorship in an executed § 1.63 declaration in the application. The error arose without any deceptive intention on the part of the persons who, through error, were not named as inventors. The inventors who were not named, and who applicant requests be added, are Douglas Bryan Cole and Katherine Denise Stahl. Once this petition is granted, the inventors in this application will be Douglas Bryan Cole, Varsha K. Shah, Kurt J. Bevernitz, Franklin M. Chen, Eric D. Johnson, Frederick J. Lang, Jeffrey D. Lindsay, Ligina A. Rivera, Kim Schick and Katherine Denise Stahl. Applicants hereby requests that the order of the inventors in this application be as shown above and that if this application issues as a patent, be referred to as the Cole et al. patent.

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC, 20231, on October 12, 2001.

  
Robert E. Richards - Reg. No. 29,105

Pursuant to the requirements of §§ 1.48(a)(1) and (a)(2), applicants submit herewith statements by Douglas Bryan Cole and Katherine Denise Stahl that the error in inventorship occurred without any deceptive intention on their part, a declaration by the actual inventors as required by § 1.63, or as permitted by §§ 1.42, 1.43 or 1.47, a check for \$130 for the fee set forth in § 1.17(h), and the written consent of the assignee, Kimberly-Clark Worldwide, Inc.

Respectfully submitted,  
  
By: Robert E. Richards  
Reg. No. 29,105

KILPATRICK STOCKTON LLP  
2400 Monarch Tower  
3424 Peachtree Road, N.E.  
Atlanta, Georgia 30326  
Tel: (404) 949-3999  
Fax: (404) 949-2499  
Our Docket No. 11302-0960 (44040-228374)  
KC# 15,937



## Patents

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Application of: )  
Varsha K. Shah, et al. )  
Serial No.: 09/564,939 )  
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For: ION-SENSITIVE, WATER-DISPERSIBLE )  
POLYMERS, A METHOD OF MAKING )  
SAME AND ITEMS USING SAME )  
Art Unit: 1616  
Examiner: K.M. George

**DECLARATION OF DOUGLAS BRYAN COLE AND KATHERINE DENISE  
STAHL IN SUPPORT OF PETITION FOR CORRECTION OF INVENTORSHIP  
UNDER 37 C.F.R. §1.48(a)**

## Commissioner of Patents and Trademarks

Washington, D.C. 20231

Sir:

We, Douglas Bryan Cole and Katherine Denise Stahl, declare as follows:

1. We declare that we were inventors of the claims in the above-identified patent application. It was error that we were not named as an inventor in the above-identified patent application and this error in inventorship occurred with no deceptive intent on our part.

2. We further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under

Serial No. 09/564,939

Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: September 7, 2001

Date: September 7, 2001

Douglas Bryan Cole  
Douglas Bryan Cole  
Katherine Denise Stahl  
Katherine Denise Stahl

Our Docket No. 11302-0960 (44040-228374); KC# 15,937

O I P E U S T A T E S  
MAY 03 2002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patents

In re Application of: )  
Varsha K. Shah, et al. )  
Serial No.: 09/564,939 )  
Filed: May 4, 2000 )  
For: ION-SENSITIVE, WATER-DISPERSIBLE )  
POLYMERS, A METHOD OF MAKING )  
SAME AND ITEMS USING SAME )  
Art Unit: 1616  
Examiner: K.M. George

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CONSENT OF ASSIGNEE KIMBERLY-CLARK WORLDWIDE, INC. TO  
CORRECTION OF INVENTORSHIP UNDER 37 C.F.R. §1.48(a)

Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
Sir:

Kimberly-Clark Worldwide, Inc., the assignee of the above-referenced application, hereby consents to the correction of inventorship of the above-referenced application under 37 C.F.R. §1.48(a). Once inventorship is corrected, the inventors in this application will be Douglas Bryan Cole, Varsha K. Shah, Kurt J. Bevernitz, Franklin M. Chen, Eric D. Johnson, Frederick J. Lang, Jeffrey D. Lindsay, Ligina A. Rivera, Kim Schick and Katherine Denise Stahl.

KIMBERLY-CLARK WORLDWIDE, INC.

By: Thomas J. Mielke  
Vice-President

## DECLARATION AND POWER OF ATTORNEY

Attorney's Docket No. 11302-0960

MAY 03 2002

Docket No. 15,937

In re Application of: Douglas Bryan [REDACTED], Varsha K. Shah, Kurt J. Bevernitz, Franklin A. Chen, Eric D. Johnson, Frederick J. Lang, Jeffrey D. Lindsay, Ligia A. Rivera, Kim G. Schick, Katherine Denise Stahl  
 As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **ION-SENSITIVE, WATER-DISPERSIBLE POLYMERS, A METHOD OF MAKING SAME AND ITEMS USING SAME**, the specification of which:

is attached hereto.

was filed on May 4, 2000 as Application No. 09/564,939.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. *I understand that I have a duty of candor and good faith toward the Patent and Trademark Office, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.*

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC §119</u>
_____	_____	_____	Yes _____ No _____

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

(Application No.)	(Filing Date)	(Application No.)	(Filing Date)
-------------------	---------------	-------------------	---------------

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
-------------------------------	--------------------	---

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

**POWER OF ATTORNEY:** The following attorneys are hereby appointed to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Michael J. Bendel - Reg. No. 39,605; Patricia A. Charlier - Reg. No. 38,840; Thomas J. Connnelly - Reg. No. 28,404; Gregory E. Croft - Reg. No. 27,542; Ralph H. Dean - Reg. No. 41,550; Alyssa A. Dudkowski - Reg. No. 40,596; Jeremiah J. Duggan - Reg. No. 24,470; Randall W. Fieldhack - Reg. No. 43,611; Steven D. Flack - Reg. No. 40,608; Thomas M. Gage - Reg. No. 33,385; Scott B. Garrison - Reg. No. 39,198; Joseph P. Harps - Reg. No. 28,854; William D. Herrick - Reg. No. 25,468; Kyle K. Kappes - Reg. No. 34,846; John P. Kirby - Reg. No. 25,348; Nancy M. Klembus, Reg. No. 40,051; Nicholas N. Leach - Reg. No. 31,776; Nicholas N. Leach - Reg. No. 31,776; William W. Letson - Reg. No. 42,797; Thomas J. Mielke - Reg. No. 31,399; Douglas L. Miller - Reg. No. 30,406; Thomas M. Parker - Reg. No. 42,063; Sebastian C. Pugliese III - Reg. No. 42,091; James B. Robinson - Reg. No. 34,912; Karl V. Sidor - Reg. No. 32,597; Douglas H. Tulley - Reg. No. 34,743; Patrick C. Wilson - Reg. No. 31,893; Paul Y. Yee - Reg. No. 29,460.

Send correspondence to: **KILPATRICK STOCKTON LLP**  
 2400 Monarch Tower, 3424 Peachtree Road, N.E.  
 Atlanta, GA 30326

Direct telephone calls at (404) 949-3999

ROBERT E. RICHARDS

Full name of joint inventor:	DOUGLAS BRYAN COLE	Citizenship:	U.S.
Inventor's signature	<i>Douglas Bryan Cole</i>		
Residence and Post Office Address:	61 Crestview Drive, Hortonville, WI 54944		

Additional inventors are being named on separately numbered sheets attached hereto.

Attorney Docket No.: 11302-0960

Title: ION-SENSITIVE, WATER-DISPERSIBLE POLYMERS,  
A METHOD OF MAKING SAME AND ITEMS USING SAME

Page 2



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Full name of joint inventor: VARSHA K. SHAH	Citizenship: India
Inventor's signature	Date:
Residence and Post Office Address: 2000 Dream Field Lane, Menasha, Wisconsin 54952	

Full name of joint inventor: KURT J. BEVERNITZ	Citizenship: U.S.A.
Inventor's signature	Date:
Residence and Post Office Address: 1151 W. Cecil Street, Neenah, Wisconsin 54956	

Full name of joint inventor: FRANKLIN M. CHEN	Citizenship: U.S.A.
Inventor's signature	Date:
Residence and Post Office Address: 4486 N.W. Chanticleer Drive, Apt. W4, Portland, Oregon 97229	

Full name of joint inventor: ERIC D. JOHNSON	Citizenship: U.S.
Inventor's signature	Date:
Residence and Post Office Address: 5255 Grandview Road, Larsen, Wisconsin 54947	

Full name of joint inventor: FREDERICK J. LANG	Citizenship: U.S.A.
Inventor's signature	Date:
Residence and Post Office Address: 1541 Whitetail Drive, Neenah, Wisconsin 54956	

Full name of joint inventor: JEFFREY D. LINDSAY	Citizenship: U.S.
Inventor's signature	Date:
Residence and Post Office Address: 20 Diane Lane, Appleton, Wisconsin 54914	

Full name of joint inventor: LIGIA A. RIVERA	Citizenship: U.S.
Inventor's signature	Date:
Residence and Post Office Address: 1900 N. McCarthy Road, Appleton, Wisconsin 54913	

Full name of joint inventor: KIM G. SCHICK	Citizenship: U.S.
Inventor's signature	Date:
Residence and Post Office Address: 527 1 <sup>st</sup> Street, Menasha, Wisconsin 54952	

Full name of joint inventor: KATHERINE DENISE STAHL	Citizenship: U.S.
Inventor's signature <i>Katherine Denise Stahl</i>	Date: September 7, 2001
Residence and Post Office Address: 424 S. Weimar Street, Appleton, WI 54915	

O - CIVIL  
MAY 03 2002  
PACIFIC PATENT & TRADEMARK ATTORNEYS

**CERTIFICATE UNDER 37 C.F.R. §3.73(b)**

Applicant: Varsha K. Shah et al.

Application No.: 09/564,939 Filed: May 4, 2000

For: Ion-Sensitive, Water-Dispersible Polymers, a Method of Making Same and Items Using Same

Kimberly-Clark Worldwide, Inc., a corporation  
(Name of Assignee) (Type of Assignee e.g., corporation, partnership, university, government agency, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. An assignment from certain of the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 11140, Frame 0088. An assignment from the other inventors of the patent application identified above is attached hereto.

OR

B. A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned, a registered practitioner, is authorized and empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 10-12-01

Name: Robert E. Richards  
Reg. No.: 29,105  
Signature: Robert E. Richards



UNITED STATES PATENT AND TRADEMARK OFFICE

O P E  
MAY 03 2002  
PATENT & TRADE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/564,939	05/04/2000	Varsha K. Shah	11302-0960	1804

23370 7590 11/23/2001

JOHN S. PRATT, ESQ  
KILPATRICK STOCKTON, LLP  
1100 PEACHTREE STREET  
SUITE 2800  
ATLANTA, GA 30309

EXAMINER

GEORGE, KONATA M

ART UNIT

PAPER NUMBER

1616

14

DATE MAILED: 11/23/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED FOR 1623/01

ENTERED COMPUTER ON 11/30/01 GH  
228374

SCANNED

<b>Office Action Summary</b> <i>MAY 03 2002</i>		Application No. 09/564,939	Applicant(s) SHAH ET AL.
		Examiner Konata M. George	Art Unit 1616
<p><i>- The MAILING DATE of this communication appears on the cover sheet with the correspondence address</i></p>			
<p><b>P riod for R eply</b></p> <p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>			
<p><b>Status</b></p> <p>1)<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>September 24, 2001</u>.</p> <p>2a)<input checked="" type="checkbox"/> This action is FINAL.      2b)<input type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>			
<p><b>Disposition of Claims</b></p> <p>4)<input checked="" type="checkbox"/> Claim(s) <u>1-25</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) _____ is/are withdrawn from consideration.</p> <p>5)<input checked="" type="checkbox"/> Claim(s) <u>11,12,14,15,17,18,21,22,24 and 25</u> is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>1-10,13,16,19,20 and 23</u> is/are rejected.</p> <p>7)<input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p>			
<p><b>Application Papers</b></p> <p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input type="checkbox"/> The drawing(s) filed on _____ is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner.</p> <p style="margin-left: 20px;">Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p>11)<input type="checkbox"/> The proposed drawing correction filed on _____ is: a)<input type="checkbox"/> approved b)<input type="checkbox"/> disapproved by the Examiner.</p> <p style="margin-left: 20px;">If approved, corrected drawings are required in reply to this Office action.</p> <p>12)<input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>			
<p><b>Priority under 35 U.S.C. §§ 119 and 120</b></p> <p>13)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input type="checkbox"/> All    b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p> <ol style="list-style-type: none"> <li>1.<input type="checkbox"/> Certified copies of the priority documents have been received.</li> <li>2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</li> <li>3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ol> <p>* See the attached detailed Office action for a list of the certified copies not received.</p> <p>14)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).</p> <p>a)<input type="checkbox"/> The translation of the foreign language provisional application has been received.</p> <p>15)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p>			
<p><b>Attachment(s)</b></p> <p>1)<input type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>11</u>.</p> <p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____.</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____</p>			



## DETAILED ACTION

Claims 1-25 are pending in this application.

### *Inventorship*

1. In view of the papers filed October 15, 2001, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by adding the following inventors to the application: Douglas Bryan Cole and Katherine Denise Stahl.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of the file jacket and PTO PALM data to reflect the inventorship as corrected.

### *Action Summary*

2. The rejection of claim 9 under 35 U.S.C. 112, second paragraph is hereby expressly withdrawn.
3. The rejection of claims 1-10, 13, 19 and 20 under 35 U.S.C. 102(b) is being maintained for the reasons stated in the previous office action.
4. Claims 11, 12, 14, 15, 17, 18, 21, 22, 24 and 25 are allowable.

### *Response to Arguments*

5. Applicant's arguments filed September 24, 2001 have been fully considered but they are not persuasive.

Applicants argue that the claimed invention is a wetting composition in conjunction with a triggerable composition. It is the position the examiner that it is unclear what is meant by a “triggerable composition” it is not clearly defined in the specification. Therefore, examiner maintains rejection under 35 U.S.C. 102(b). Examiner would like to point out example 8 in table 2, which does not disclose an organic solvent.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-13, 19, and 20 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The phrase “triggerable composition” is not defined in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-13, 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear to the examiner what is meant by a “triggerable composition” it is not clearly defined in the specification.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 23 is rejected under 35 U.S.C. 102(b) as being anticipated by Potini et al. (US 5,607,908).

Potini teaches in Table I a composition comprising 0.70% sodium chloride (activating agent), 0.10% polyethylene glycol (organic solvent), 0.050% glycerin (preservative), along with other components and water up to 100%.

***Conclusion***

9. Claims 1-10, 13, 16, 19, 20 and 23 stand rejected. Claims 11, 12, 14, 15, 17, 18, 21, 22, 24 and 25 are allowable.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 1616

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

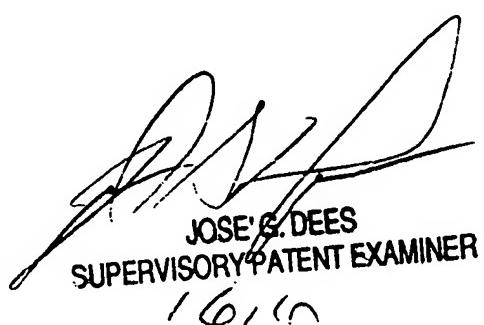
***Telephone Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Konata M. George, whose telephone number is (703) 308-4646. The examiner can normally be reached from 8AM to 5:30PM Monday to Thursday, and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, José Dees, can be reached at (703) 308-4628. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-4556 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

Konata M. George



JOSE G. DEES  
SUPERVISORY PATENT EXAMINER  
16/10

S-P 97 2001

MAY 03 2002

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

PTO/SB/08A (08-00)  
Approved for use through 10/31/2002 GPO:IB 0651-0031  
U.S. GOVERNMENT PRINTING OFFICE: 2001 7-2001-08

Substitute for Form A449XAPTO

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 1

**Complete if Known**

Application Number	09/564,939
Filing Date	May 4, 2001
First Named Inventor	Shah, et al.
Group Art Unit	1771
Examiner Name	
Attorney Docket Number	11302-0960 (44040-288374)

## **U.S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

Examiner Signature	Karen NC	Date Considered	10/4/07
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<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent document, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language translation is attached.